

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR
9004-1(b)**

FEIN, SUCH, KAHN & SHEPARD PC
Counsellors at Law
7 Century Drive - Suite 201
Parsippany, New Jersey 07054
(973) 538-9300
Attorneys for Movant
SELECT PORTFOLIO SERVICING, INC.,
as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION AS
TRUSTEE SUCCESSOR BY MERGER TO
LASALLE BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR
WASHINGTON MUTUAL ASSET-BACKED
CERTIFICATES WMABS SERIES 2006-
HE4 TRUST
JILL A. MANZO, ESQ.
SPS1657
bankruptcy@feinsuch.com

In Re:

MARIA VILMAR BATISTA aka
MARIA D'ARRIGO

Debtor(s).



Order Filed on May 30, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-12529 RG

Chapter: 13

Hearing Date: May 3, 2017

Judge: HONORABLE ROSEMARY
GAMBARDELLA

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following pages, numbered two (2)
through four (4) is hereby ORDERED.

DATED: May 30, 2017

A handwritten signature in cursive script, reading "Rosemary Gambardella".
Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: SELECT PORTFOLIO SERVICING, INC.,
as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION AS
TRUSTEE SUCCESSOR BY MERGER TO
LASALLE BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR
WASHINGTON MUTUAL ASSET-BACKED
CERTIFICATES WMABS SERIES 2006-
HE4 TRUST

Applicant's Counsel: Fein, Such, Kahn & Shepard, P.C.

Debtor's Counsel: MICHAEL G. BOYD, ESQ.

Property Involved (Collateral") 451 LAWTON AVENUE
CLIFFSIDE PARK, NJ 07010

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent
imposition of automatic stay against the
collateral by debtor's future bankruptcy
filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 7 months, from October, 2016
to April, 2017.

☒ The Debtor is overdue for 6 payments at \$2,437.45 for
October, 2016 to March, 2017 and 1 payment at \$2,580.73 for
April, 2017 with \$70.41 in suspense.

☐ The Debtor is assessed for N/A late charges at \$N/A per
month.

☒ Applicant acknowledges receipt of funds in the amount of
\$N/A received after the motion was filed.

Total Arrearages Due \$17,135.02.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of
\$2,437.00. Payment shall be made no later than May 12, 2017.

☒ Beginning on May 1, 2017, regular monthly mortgage payments shall continue to be made in the amount of \$2,580.73.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$14,698.02 shall be capitalized in the debtor's Chapter 13 plan. The Debtor must file a modified plan to account for amount due to Secured Creditor and budget within 7 days or the case will be dismissed.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: SELECT PORTFOLIO SERVICING, INC.
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive
Suite 201
Parsippany, NJ 07054

☒ Regular monthly payment: SELECT PORTFOLIO SERVICING, INC.
PO BOX 65450
SALT LAKE CITY, UT 84165

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within N/A days.

☒ Attorneys' fees are not awarded.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Maria Vilmar Batista
Debtor

Case No. 16-12529-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 01, 2017.

db +Maria Vilmar Batista, 222 Lafayette Avenue, Unit B, Cliffside Park, NJ 07010-2506

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 01, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 30, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor U.S. Bank National Association et al...
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Jill Manzo on behalf of Creditor SELECT PORTFOLIO SERVICING, INC., as servicer for U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION
AS TRUSTEE SUCCESSOR BY MERGER TO LASALLE B bankruptcy@feinsuch.com

Marie-Ann Greenberg magecf@magtrustee.com

Michael G. Boyd on behalf of Debtor Maria Vilmar Batista michaelboydlaw@gmail.com

TOTAL: 4